

DOCUMENT RESUME

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Food Expenses at Speedy Trial Act Conference. B-188078. May 5, 1977. 4 pp.

Decision by Paul G. Dembling (for Elmer B. Staats, Comptroller General).

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Other General Government (806).

Authority: Speedy Trial Act, title 1 (P.L. 93-619; 88 Stat. 2076 ; 18 U.S.C. 3161 et seq. (Supp. V)). 18 U.S.C. 3171. 42

Comp. Gen. 149. 47 Comp. Gen. 657. L-168774 (1970). B-180806 (1974). B-185923 (1975). B-187150 (1976).

A decision was requested by M. Patricia Carroll, Chief, Operations Branch, Administrative Office of the United States Court, concerning whether a voucher for payment of a luncheon and two coffee breaks held during a conference on western Virginia's plan for disposition of criminal cases should be honored. Payment was not authorized. (SS)

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Michael Volpe
Civ. Pers.

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: **8-148078**

DATE: **MAY 5 1977**

MATTER OF: **Food Expenses at Speedy Trial Act Conference**

DIGEST:

1. Employees of Federal agencies comprising planning group under Speedy Trial Act, 18 U.S.C. § 3161 et seq. (Supp. V, 1975), may not be provided with lunches at Federal expense while attending a conference at their headquarters since there is no specific statutory authorization therefor in Speedy Trial Act or any other act.
2. Voucher to cover costs of two coffee breaks for Government employees comprising planning group under Speedy Trial Act may not be certified for payment. Coffee, soft drinks, and similar refreshments are in nature of entertainment and are not payable from appropriations for necessary expenses in absence of specific statutory authority. 47 Comp. Gen. 657 (1968).

Ms. M. Patricia Carroll, Chief, Operations Branch, Administrative Office of the United States Courts, requests our decision as to whether she may certify for payment a voucher in the amount of \$361.87. The amount is to cover the cost of restaurant meals and service for a luncheon and two coffee breaks for those attending a conference held on September 25, 1976, to discuss implementation of the Western District of Virginia plan for disposition of criminal cases, pursuant to the Speedy Trial Act.

The Speedy Trial Act, title I of Pub. L. No. 93-619, January 3, 1975, 88 Stat. 2076, 18 U.S.C. § 3161 et seq. (Supp. V, 1975),

we

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requires each district court to conduct a continuing study of the administration of criminal justice in the district court and to seek to accelerate the disposition of criminal cases in the district. 18 U.S.C. § 3165, id.

The Act provides that within 60 days after July 1, 1975, each United States District court should convene a planning group consisting—

"* * * at a minimum of the Chief Judge, a United States Magistrate, if any designated by the Chief Judge, the United States Attorney, the Clerk of the District Court, the Federal Public Defender, if any, a private attorney experienced in defense of criminal cases in the district, the Chief United States Probation Officer for the district, and a person skilled in criminal justice research who shall act as reporter for the group."
18 U.S.C. § 3163(a).

Section 3171, title 18, United States Code, authorizes appropriations to the Federal judiciary to be allocated by the Administrative Office of the United States Courts to Federal judicial districts "to carry out the initial phases of planning and implementation of speedy trial plans" under this Act. Subsection (b) provides that no funds may be expended in any district except by two-thirds vote of the planning group. To the extent available, funds may be expended for personnel, facilities, and any other purpose permitted by law. Funds available for this purpose were appropriated to the Judiciary under the title "Travel and miscellaneous expenses."

To implement the plan of the Western District of Virginia, a conference was held on Saturday, September 25, 1976, from 10 a.m. to 4 p.m. The conference was held at the Peaks of Otter Lodge, in Bedford, some 30 miles from Roanoke, where the District Court is located. Invitations to the conference were sent to the judges and other court officials of the District, the representatives of several Federal agencies (such as the Departments of Justice, Treasury, and Interior) and a private attorney. The invitation stated that lunch would be paid from the subject appropriations. The purpose of the conference was to "Become acquainted with the Plan existing in the Western District of Virginia."

The amounts billed by the Lodge included \$29.64, including tax, plus a \$4.45 gratuity for 37 persons for soft drinks and coffee; a

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similar coffee break bill for 58 persons for \$0.16 plus a \$6.52 gratuity, and 61 lunches at \$4.10 each, plus tax totaling \$254.05 and a \$38.25 gratuity. The total bill is \$361.87.

It is suggested by the Chief of the Operations Branch that this bill can be paid from the appropriations authorized by 18 U.S.C. § 3171, supra, since:

"The Chief Judge of the District Court for the Western District of Virginia together with the Speedy Trial Act planning group concluded that this expenditure was appropriate under the circumstances in order to accomplish the purpose of having the Speedy Trial Act Plan for that district implemented. The planning group voted to authorize the expenditure."

As to the \$68.77 reflecting the cost of the two coffee breaks, we have long held that coffee and similar refreshments are in the nature of entertainment and are not payable out of appropriations as a necessary expense. 47 Comp. Gen. 657 (1968). Accordingly, that portion of the voucher covering that expense may not be certified for payment.

Similarly, we have long held that to be properly charged with the cost of providing meals, appropriations must be made specifically available by statute for that purpose. B-187150, October 14, 1976. In the absence of specific statutory authority, the Government may not pay subsistence expenses or per diem to, or provide meals for, civilian employees at their headquarters. See, for example, 42 Comp. Gen. 149 (1962); B-185923, November 8, 1976; E-190806, August 21, 1974; and B-168774, September 2, 1970.

We are unaware of any statute which authorizes the use of the subject appropriations to purchase meals for Federal employees at their headquarters. While the Chief of the Operations Branch suggests that 18 U.S.C. § 3171 authorizes the planning group to determine what expenses are necessary to carry out its functions. We note that subsection (b) thereof authorizes only expenditures for "personnel, facilities, and any other purpose permitted by law," (emphasis added). The section does not contain specific authorization for the purchase of meals for planning group members and cannot be read as authorizing the use of funds for purposes for which appropriated funds may not otherwise be expended. The provision of meals at a conference cannot be considered necessary to accomplish the purposes of the appropriations involved and meals may not be provided in the absence of specific legislative authorization.

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Accordingly, it is our opinion that the voucher covering the cost of luncheons for headquarters employees may not be certified for payment.

Paul G. Desbriere
For the Comptroller General
of the United States